

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 723-782	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (IPEA/416) <i>Technology Center 2100</i>
International application No. PCT/US99/26460	International filing date (day/month/year) 10 NOVEMBER 1999	Priority date (day/month/year) 13 NOVEMBER 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): GO6F 153:00 and US Cl.: 705/10, 16, 20, 22		
Applicant NINTENDO OF AMERICA INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets.
 

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist o. a total of 0 sheets.
3. This report contains indications relating to the following items:
  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of report with regard to novelty, inventive step or industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 29 MARCH 2000	Date of completion of this report 20 NOVEMBER 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer FRANTZY POINVIL <i>Roger Harrod</i>
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/26460

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages 1-61, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the claims:

pages 62-71, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the drawings:

pages 1-42, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig. NONE5.  This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims <u>1-47</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>37-38</u>	YES
	Claims <u>1-36 and 39-47</u>	NO
Industrial Applicability (IA)	Claims <u>1-47</u>	YES
	Claims <u>NONE</u>	NO

**2. citations and explanations (Rule 70.7)**

Claims 1-36 and 39-47 lack an inventive step under PCT Article 33(3) as being obvious over TSUKAMOTO (NEC CORP, JP 10188141 A), herein after NEC CORP.

As per claims 1-3, NEC CORP teaches that when a goods transaction is performed at any of a plurality of POS terminals, the transaction is registered in the database at a remote location. When the goods are returned by a customer, the transaction data is searched at a remote database to obtain a transaction data from the information on a receipt. Identifying information such as sales data or identifiers would have been entered into the system in order to retrieved sales data. It would have been obvious to the skilled artisan to scan the bar code on the product or sought to be returned in order to obtain matched data with receipt or sales transaction data. Accepting the product for return in the product information indicates that the product qualifies for return would have been obvious to the skilled artisan because in many instances there is a time limit qualification for the return of a purchased product.

As per claim 4, the remote location being a service provider which maintains the general database would have been obvious to the skilled artisan because the general database is usually maintained at a central Branch which controls individual store locations or POS at the retail locations.

As per claim 5, NEC Corp teaches maintaining sales transaction for every transaction at each of the POS. Official Notice is taken that most sales receipt or transaction includes a purchased date. Applicable criteria for a returned good would have been stored in a database at the central location for matching purposes to determine if a return good meets certain criteria.

As per claim 6, note the reference.

As per claim 7, a purchaser usually returns a purchase item and requests a refund, replacement or repair. Presenting options available to the person presenting the product for return based on the applicable criteria in the system of NEC CORP would have been obvious to one of ordinary skill in the art in order to track sales history of a particular product for marketing purposes.

(Continued on Supplemental Sheet.)

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):**

Claim 8 contains features recited in claim 1, and these features are likewise found to be obvious. Claim 8 further recites using the unique identifying information to access a product registration database and obtain product information on the product to be returned. Such would have been obvious to the skilled artisan because many products have registration number and many software products are suggested to be registered at a remote database at the time of purchased or after being purchased. Modifying the system of NEC CORP by providing access to a registration database would have been obvious to the skilled artisan in order to determine whether a return good was purchased by a particular customer or in order to match whether or not a returned good was sold from a particular chain of stores or merchants.

As per claim 9, identifying data of most products include a universal product code and a product serial number.

As per claim 11, note the applied rationale of claim 11.

As per claims 12-16, 18, Official notice is taken that most retail stores comprise a POS system having keyboard entry device, and a scanner to read and enter product data. Applicant is referred to claim 1 for reasoning of similar limitations claimed in claim 12 and addressed in claims 1-3.

As per claim 17, the transmitted information would have been displayed on a display screen so that the sales clerk may read and review the sales transaction data. The sales transaction information including options available to the person seeking the return with respect to replacement and repair of the product sought to be returned would have been obvious to the skilled artisan in order to maintain the sales transaction and not cancelling a sales transactions.

As per claims 19-21, providing a local database from a particular retailer and maintaining a general database including information on products purchased from a plurality of different retailers would have been obvious to the skilled artisan at the time of the invention in order to provide a particular store instant communication and access regarding a past sales transaction. The local database would have later transferred all sales transaction from each store to a remotely or branch central storage database using electronic communication between the retailer's or store's facility and the host system at the branch.

As per claim 22, the electronic communication being an Internet connection would have been obvious to one of ordinary skill in the art in order to provide instant and easy access to a plurality of entities located in different regions.

As per claim 23, note the rationale applied to claim 1 above.

As per claims 24-26 and 30-31, providing the manufacturers of the products with access to the host system using electronic communication for the purpose of defining and updating respective return criteria for different types of products would have been obvious to the skilled artisan so that the manufacturer may control the effect of sales transactions because a manufacturer usually arranges with particular retailers to sales particular items at particular prices. The manufacturer defining returns criteria or criteria defining returns for products sold by different retailers would have been obvious to the skilled artisan in order to ascertain reasons for an item being returned for marketing purposes.

As per claims 27-29, providing the Internet as an electronic communication would have been obvious to one of ordinary skill in the art at the time of the invention to include in the system of NEC CORP with the motivation of providing instant and easy access to a plurality of associated entities located in different regions.

As per claim 32, most sales transactions include the name, location of the store, and purchase payment information. Including these data in the transaction data of NEC CORP would have been obvious to the skilled artisan in order to maintain a complete record of a sales transaction for inventory and marketing purposes.

As per claim 33, the product information would have been displayed on a display screen at the location where the return is sought for review by the sales clerk.

As per claims 34-36 and 46, note the obviousness rationale regarding claim 7 above. Updating the database to reflect the option selected would have been obvious to the skilled artisan in order to reflect a customer's choice regarding a return item for marketing purposes.

As per claim 39, note the obviousness rationale of claim 12 above.

As per claim 40, the system of NEC CORP includes a display system.

As per claim 41, note the obviousness rationale of claim 15 above.

As per claim 42, note the obviousness rationale of claim 19 above.

As per claim 43, note the obviousness rationale of claim 2 above.

As per claim 44, note the obviousness rationale of claim 9 above.

As per claim 45, note the obviousness rationale of claim 32 above.

As per claim 47, transmitting selected options from the second information processing system to the first information processing system for updating of the product information would have been obvious to the skilled artisan for marketing purposes.

As per claims 37-38, the prior art of record fails to teach or suggest the general product information includes operating instructions, parts list and repair information taken in combination with a method of reducing improper consumer returns of purchased of different types goods.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

----- NEW CITATIONS -----

NONE